

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The first line of the specification was amended as follows:

This application is a divisional of Application No. 09/417,197, now U.S. Patent 6,518,021, filed on October 7, 1999 and for which priority is claimed under 35 U.S.C. § 120. Application No. 09/417,197 is the continuation of PCT International Application No. PCT/DK98/00145 filed on ~~April 17, 1998~~ April 7, 1998. The entire contents of each of the above-identified applications are hereby incorporated by reference. This application also claims priority of Application No. PA 00392 filed in Denmark on ~~April 7, 1997~~ April 7, 1997 under 35 U.S.C. § 119.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the decision by the BPAI dated 4/19/2011. The BPAI determined that the claimed methods require a direct interaction of the subunit and component, and that the subunit and component must have the same biological activity (BPAI decision pages 6 -7). This, in essence, would appear to require

that the claimed methods include steps of determining such a direct interaction, and a priori knowledge or perhaps even determination of whether or not the component has the same biological activity as the subunit which was a limitation not specifically recited in the claims, however interpreted to be required by the limitation for the subunit to exhibit “a biological activity of the component”. The art of record fails to teach this type of interaction as noted by the Board.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL BURKHART whose telephone number is (571)272-2915. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on (571) 272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Burkhart/

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Primary Examiner, Art Unit 1633

/Joseph T. Woitach/
Supervisory Patent Examiner, Art Unit 1633